



U.S. Department of Justice

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90-11-2-614

Washington, D.C. 20530

March 29, 1991

Wesley D. Wedemeyer
Assistant United States Attorney
1114 Market Street
St. Louis, MO 63101

Re: United States v. Giles Armature & Electric Works, Inc.

Dear Denny:

Enclosed please find the original and 8 copies of the Complaint to be served on the Registered Agent for Defendant Giles Armature and on individually named Defendant shareholders. The Registered Agent is also a Defendant Shareholder. The parties and the known addresses are:

Harold L. Chase
[REDACTED]

Betty Lea Grassinger
and
Gardner J. Grassinger
[REDACTED]

Ex.6

John E. Giles, Jr.
[REDACTED]

Martha Gene Lundemo
[REDACTED]

Grace N. Giles
[REDACTED]

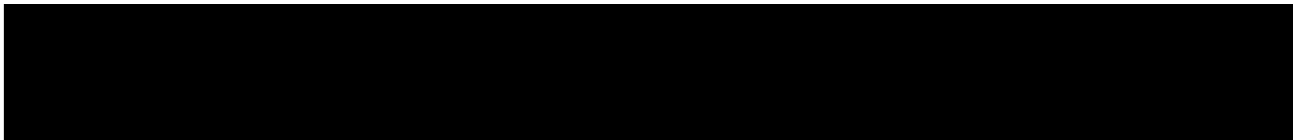
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SUPERFUND RECORDS

Jenna V. Vickery
address unknown



Please arrange for me to receive a conformed copy of the
filed Complaint and Notice and Acknowledgment of Receipt of
Summons and Complaint for each defendant.

If you have any questions, please call me at (FTS) 514-1032.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read 'L. 2'.

ELIZABETH A. EDMONDS
Trial Attorney
Environmental Enforcement Section

cc: Sarah Toeves Sullivan/
David Hoefer
Rich Gold
File

MEW Site File
Break10_05317

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
GILES ARMATURE & ELECTRIC)	
WORKS, INC., a dissolved Illinois)	
corporation; JOHN E. GILES, JR.,)	
HAROLD L. CHASE, BETTY LEA)	
GRASSINGER, GARDNER J. GRASSINGER,)	
MARTA GENE LUNDEMO, GRACE N. GILES,)	
JENNA V. VICKERY,)	
)	
Defendants.)	
)	

COMPLAINT

Plaintiff, United States of America, on behalf of the Administrator of the United States Environmental Protection Agency (EPA), states as follows:

INTRODUCTION

1. This is a civil action brought against defendants under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9607, as amended by the Superfund Amendments and Reauthorization Act of 1986, 100 Stat. 9613 (1986), for recovery of costs incurred and to be incurred by the United States in response to the release or threatened release of hazardous substances from a facility known as the Missouri Electric Works site, located in Cape Girardeau, Missouri.

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JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § § 1331 and 1345 and Section 113(b) of CERCLA, 42 U.S.C. § 9613(b).

3. Certain classes of persons are liable parties under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

4. Venue is properly in this Court pursuant to Section 113(b) of CERCLA, 42 U.S.C. § 9613(b).

DEFENDANTS

5. From December 27, 1946, until April 1, 1986, Giles Armature & Electric Works, Inc. was a corporation which was organized and existing pursuant to the laws of the State of Illinois.

6. On December 20, 1985, Giles Armature & Electric Works, Inc. and Harold L. Chase, Gardner J. Grassinger, Betty Lea Grassinger, Grace N. Giles, John E. Giles, Jr., Jenna V. Vickery and Martha Gene Lundemo, the shareholders of Giles Armature & Electric Works, Inc., entered into an Asset Purchase Agreement with Roy A. Patterson, David R. Patterson, and James H. Havens (herein called "the Buyers").

7. On April 1, 1986, the Secretary of State of the State of Illinois issued the Certificate of Dissolution for Giles Armature & Electric Works, Inc.

8. At all times relevant herein, John E. Giles, aka John E. Giles, Jr. was a Director and a Shareholder of Giles Armature & Electric Works, Inc. Mr. Giles received assets from

Giles Armature & Electric Works, Inc. after its dissolution, including proceeds from the Asset Purchase Agreement between Giles Armature & Electric Works, Inc. and the Buyers.

9. At all times relevant herein, Betty Lee Grassinger was a Shareholder of Giles Armature & Electric Works, Inc., and she received assets from the corporation after its dissolution, including proceeds from the Asset Purchase Agreement between Giles Armature & Electric Works, Inc. and the Buyers.

10. At all times relevant herein, Gardner J. Grassinger was a Shareholder of Giles Armature & Electric Works, Inc., and he received assets from the corporation after its dissolution, including proceeds from the Asset Purchase Agreement between Giles Armature & Electric Works, Inc. and the Buyers.

11. At all times relevant herein, Harold L. Chase was a Director, Registered Agent and/or a Shareholder of Giles Armature & Electric Works, Inc., and he received assets from the corporation after its dissolution, including proceeds from the Asset Purchase Agreement between Giles Armature & Electric Works, Inc. and the Buyers.

12. At all times relevant herein, Martha Gene Lundemo was a Shareholder of Giles Armature & Electric Works, Inc., and she received assets from the corporation after its dissolution, including proceeds from the Asset Purchase Agreement between Giles Armature & Electric Works, Inc. and the Buyers.

13. At all times relevant herein, Grace N. Giles was a Shareholder of Giles Armature & Electric Works, Inc., and she

received assets from the corporation after its dissolution, including proceeds from the Asset Purchase Agreement between Giles Armature & Electric Works, Inc. and the Buyers.

14. At all times relevant herein, Jenna V. Vickery was a Shareholder of Giles Armature & Electric Works, Inc., and he received assets from the corporation after its dissolution, including proceeds from the Asset Purchase Agreement between Giles Armature & Electric Works, Inc. and the Buyers.

FACTS

15. At all times relevant herein, Giles Armature & Electric Works, Inc. owned and operated a business which was organized for the following purposes:

"To manufacture armatures, stators, rotors, transformers, electric coils, electric motors, electric appliances, electric generators, electric transformers, gasoline motors, gasoline engines, Diesel engines and machinery and component parts of machinery of every class and description.

To manufacture, sell and trade goods, wares, merchandise, and personal property of every class and description."

16. At all times relevant herein, Giles Armature & Electric Works, Inc. by contract, agreement, or otherwise arranged for the disposal, repair, storage and/or treatment, or arranged with a transporter for transport for disposal, repair, storage and/or treatment, of hazardous substances, specifically polychlorinated biphenyls (PCBs) found in transformers and other electrical equipment owned or possessed by Giles Armature &

Electric Works, Inc., at the Missouri Electric Works site in the city of Cape Girardeau, County of Cape Girardeau, State of Missouri.

17. The Missouri Electric Works site occupies a 6.4 acre tract in a predominately commercial/industrial area. The site is bounded on the north by retail and warehouse properties, on the south by a residence, commercial storage and a construction company, and on the east by a warehouse. A wetland has been identified approximately 700 feet south of the site. The Mississippi River is situated approximately 1.6 miles east of the site. There is one drinking well on the site.

18. From approximately 1954 to the present, Missouri Electric Works, Inc. has purchased, sold, repaired, and remanufactured transformers, capacitors, and other electrical equipment at the site.

19. During the operation of the Missouri Electric Works, Inc. business, the site became contaminated with high levels of polychlorinated biphenyls (PCBs) and other hazardous substances.

20. In 1984, the Missouri Department of Natural Resources (MDNR) inspected the Missouri Electric Works site and found over 100 55-gallon drums containing PCB-contaminated oil. These drums had been used by Missouri Electric Works, Inc. to store PCB-contaminated oil which was drained from transformers, capacitors, and other electric equipment at the site. Many of these drums were leaking.

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21. From 1985-1990, EPA undertook removal and investigative actions pursuant to Section 104(a) and (b) of CERCLA, 42 U.S.C. 9604(a) and (b) to define the nature and extent of contamination and to control further off-site migration of hazardous substances from the site.

22. From 1988-1990, other potentially responsible parties (PRPs) undertook additional investigations at the site under the oversight of EPA.

23. These investigations provided additional information regarding the extent of the PCB contamination in the soils at the Missouri Electric Works site and also revealed the existence of volatile organic compound (VOC) contamination in the groundwater at the site.

24. In September, 1990, EPA issued a Record of Decision (ROD) for future remediation at the site.

CLAIM FOR RELIEF

25. The allegations contained in paragraphs 1-24 are re-alleged as though fully set out herein.

26. Each defendant is a person within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

27. The Missouri Electric Works site is a facility within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

28. Hazardous substances, within the meaning of Section

101(14) of CERCLA, 42 U.S.C. § 9601(14), were disposed of at the Missouri Electric Works site.

29. Releases and/or threatened releases of hazardous substances, within the meaning of Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), have occurred and will continue to occur at the Missouri Electric Works site.

30. The release or threatened release of hazardous substances from the Missouri Electric Works site has caused the United States to incur and to continue to incur responses costs, as that term is defined by Section 101(25) of CERCLA, 42 U.S.C. § 9601(25). These response costs are not inconsistent with the national contingency plan.

31. Section 107(a) (1-4) of CERCLA, 42 U.S.C. § 9607 (a) (1-4) provides inter alia, that certain classes of persons shall be liable for all costs of removal or remedial actions incurred by plaintiff not inconsistent with the national contingency plan. Each of the defendants is a liable person under at least one of the following classes defined in 42 U.S.C. § 9607(a) (1-3):

(1) the owner and operator of a vessel or a facility,

(2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,

(3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for disposal or treatment, of hazardous substances owned or possessed by such person,

by any other party or entity, at any facility or incineration vessel owned or operated by another party or entity and containing such hazardous substances

32. Giles Armature & Electric Works, Inc. is liable as a person "who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for disposal or treatment, of hazardous substances owned or possessed by such person at a facility owned or operated by another party or entity and containing such hazardous substances..." pursuant to 42 U.S.C. § 9607(a)(3).

33. John E. Giles and Harold L. Chase are each liable in his capacity as a director and/or shareholder of Giles Armature & Electric Works, Inc. pursuant to Ill. Rev. Stat. ch. 32, par. 12.80 and case law interpreting the statute.

34. Betty Lea Grassinger, Gardner J. Grassinger, Marta Gene Lundemo, Grace N. Giles, and Jenna V. Vickery are each liable in his/her capacity as a shareholder of Giles Armature & Electric Works, Inc. pursuant to Ill. Rev. Stat. ch. 32, par. 12.80 and case law interpreting the statute.

35. Pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), defendants are jointly and severally liable to the United States for all response costs incurred by the United States to date and for all future response costs, including enforcement costs, incurred as a result of the releases and threatened releases alleged herein.

36. The United States has satisfied any conditions precedent to undertaking response actions, incurring response

costs and recovering those costs under Section 107 of CERCLA, 42 U.S.C. § 9607.

PRAYER FOR RELIEF

WHEREFORE, plaintiff United States of America respectfully requests this Court to:

1. Enter judgment against Defendant Giles Armature and Electric Works, Inc. in favor of the United States for all costs incurred, including attorneys' fees, in connection with response actions relating to the Missouri Electric Works site.

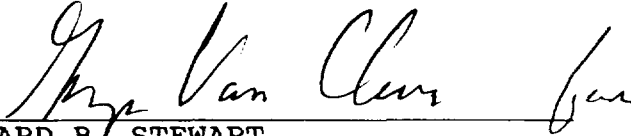
2. Enter judgment against each Defendant shareholder, i.e. Defendants John E. Giles, Jr., Harold L. Chase, Betty Lea Grassinger, Gardner J. Grassinger, Marta^h Gene Lundemo, Grace N. Giles, and Jenna V. Vickery, in favor of the United States for costs incurred, including attorneys' fees, in connection with the response actions relating to the Missouri Electric Works site with judgment against each Defendant shareholder to be limited to the value of the assets distributed to each Defendant shareholder.

3. Enter a declaratory judgment against Defendant Giles Armature and Electric Works, Inc. pursuant to Section 113(g) of CERCLA, 42 U.S.C. § 9613(g), on liability for response costs or damages that will be binding in any subsequent action or actions to recover further response costs or damages.


4. Award the United States its costs.

5. Grant such other relief as may be appropriate.

Respectfully submitted,



RICHARD B. STEWART
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Environment and Natural Resources Division
United States Department of Justice



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